

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Whitney Beber	Team: Squad #2	CCRB Case #: 201702741	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 10/28/2016 4:27 PM	Location of Incident: [REDACTED]	Precinct: 52	18 Mo. SOL 4/28/2018	EO SOL 4/28/2018	
Date/Time CV Reported Mon, 04/10/2017 12:10 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 04/10/2017 12:10 PM		
Complainant/Victim	Type	Home Address			
[REDACTED]	[REDACTED]	[REDACTED]			
Witness(es)	Home Address				
[REDACTED]	[REDACTED]				
Subject Officer(s)	Shield	TaxID	Command		
1. LT Daniel Campbell	00000	932403	052 PCT		
Witness Officer(s)	Shield No	Tax No	Cmd Name		
1. POM Joel Ayala	08262	954509	052 PCT		
Officer(s)	Allegation			Investigator Recommendation	
A.LT Daniel Campbell	Abuse: Lieutenant Daniel Campbell stopped § 87(2)(b) [REDACTED]			[REDACTED]	

Case Summary

On April 10, 2017, § 87(2)(b) filed the following complaint with the Civilian Complaint Review Board by telephone. The case is being closed over 90 days after it was received because of difficulties in identifying and interviewing all the officers present for this incident.

On October 28, 2017, at approximately 4:27 p.m. § 87(2)(b) and his cousin, § 87(2)(b) were sitting in § 87(2)(b)'s § 87(2)(b) Chevrolet Impala which he had parked in the vicinity of East 204th Street and Bainbridge Avenue in the Bronx. § 87(2)(b) and § 87(2)(b) had “just” entered § 87(2)(b)'s vehicle and were talking when an unmarked police car drove past § 87(2)(b)'s car. The unmarked police car then reversed and parked behind § 87(2)(b)'s car.

Lieutenant Daniel Campbell and Police Officer Joel Ayala from the 52nd Precinct approached § 87(2)(b)'s vehicle (**Allegation A**). The officers asked § 87(2)(b) for his license and registration. § 87(2)(b) asked the officers if he was being harassed. Lieutenant Campbell told § 87(2)(b) that they had not known that he was in the car when they stopped and assured him that he was not being harassed. § 87(2)(b) asked if he could leave if he was not being harassed. Lieutenant Campbell told § 87(2)(b) that he could leave. § 87(2)(b) did not speak to any of the officers during the incident. The officers returned to their vehicle and drove away. § 87(2)(b) was not issued a summons or arrested during this incident.

§ 87(2)(b) filmed and provided a thirty-five second-long video of the end of the incident. This video is embedded below and attached to IA #9 (Board Review 01).



201702741_20170414_1413_DM.MOV

Mediation, Civil and Criminal Histories

- § 87(2)(b) was offered mediation at the conclusion of his interview at the CCRB on April 14, 2017. § 87(2)(b) declined to mediate his complaint without providing a reason.
- As per the New York City's Comptroller's Office no notice of claim has been filed as of July 18, 2017.
- § 87(2)(b) [REDACTED]

Civilian and Officer CCRB Histories

- § 87(2)(b) [REDACTED]
- Lieutenant Campbell has been a member of the NYPD for fourteen years and has seventy-two allegations within twenty-six complaints. Of those allegations, two were substantiated in two cases (see officer history). In case number 200607138, an allegation of a threat of arrest was substantiated and command discipline was recommended. The

NYPD declined to discipline him. In case number 201004296 an allegation of a frisk was substantiated and charges were recommend. He received a Command Discipline B. [REDACTED]

§ 87(2)(g)

Findings and Recommendations

Explanation of Subject Officer Identification

It is undisputed that Lieutenant Campbell was the supervising officer during this incident and that he spoke to and had a conversation with § 87(2)(b) therefore the stop allegation is only being pleaded against Lieutenant Campbell.

Allegation A –Abuse of Authority: Lieutenant Daniel Campbell stopped § 87(2)(b)

On April 14, 2017, § 87(2)(b) was interviewed at the CCRB. § 87(2)(b) answered follow-up questions by telephone on April 19, 2017, and July 11, 2017 (Board Review 04 and 05). § 87(2)(b) provided a phone statement on April 26, 2017, and May 5, 2017 (Board Review 06 and 07). Lieutenant Campbell was interviewed on May 17, 2017. Police Officer Edmundo Rivera of the 52nd Precinct was interviewed on May 17, 2017. Police Officer Juan Gomez of the 52nd Precinct was interviewed on June 13, 2017. Police Officer Ayala was interviewed on June 22, 2017.

As per § 87(2)(b) his car was not parked next to a fire hydrant or blocking a driveway. He and § 87(2)(b) had “just” entered § 87(2)(b) s vehicle and were talking when an unmarked police car drove past the car in which they were sitting. The same unmarked police car then reversed and parked behind § 87(2)(b) s car.

An unidentified officer approached § 87(2)(b) s car on the driver’s side and Police Officer Ayala approached on the passenger’s side of the car. § 87(2)(b) rolled down the window and asked the officers “What’s the problem?” An unidentified officer asked § 87(2)(b) what he was doing in his car. The officer told § 87(2)(b) his breath smelled of alcohol and “weed” and asked § 87(2)(b) for his license and registration. As § 87(2)(b) was getting ready to provide his license and registration, Lieutenant Campbell and another unidentified officer approached § 87(2)(b) s car. Lieutenant Campbell approached § 87(2)(b) s driver’s side and greeted § 87(2)(b) recognized Lieutenant Campbell from a previous interaction. § 87(2)(b) asked if they were harassing him. Lieutenant Campbell replied that they were not. Lieutenant Campbell told § 87(2)(b) that they had not known that he was in the car when they stopped and assured him that he was not being harassed. § 87(2)(b) asked if he could leave if he was not being harassed. Lieutenant Campbell told § 87(2)(b) that he could leave. § 87(2)(b) did not speak to any of the officers during the incident.

§ 87(2)(g)

§ 87(2)(b) he stated that the officers did not ask for § 87(2)(b) s license or registration and that he and § 87(2)(b) had been sitting in the parked car for approximately ten minutes before the officers arrived.

As per Lieutenant Campbell, he was doing patrol near 205th Street and Perry Avenue when he observed a car parked at a fire hydrant. Lieutenant Campbell estimated that the car was parked less than five feet away from the fire hydrant. Lieutenant Campbell approached the parked car on the driver's side. When he was still approximately five feet away, he smelled marijuana emanating from the car. Lieutenant Campbell continued to approach the car to find out why it smelled like marijuana and why it was parked next to a fire hydrant. Upon doing so, he recognized one of the individuals in the car, § 87(2)(b) whom he had arrested approximately a week prior for a loaded firearm, sitting in the driver's seat. Lieutenant Campbell told § 87(2)(b) that he was being approached because he was parked next to a fire hydrant. Lieutenant Campbell stated that he might have asked § 87(2)(b) what he was doing in his car. Lieutenant Campbell did not remember telling § 87(2)(b) that his breath smelled like alcohol or marijuana. Lieutenant Campbell was not sure if he asked § 87(2)(b) for his license and registration. Lieutenant Campbell made the decision to not issue § 87(2)(b) a summons, in part because he did not want § 87(2)(b) who already had an open gun charge, to think that he was harassing him.

Lieutenant Campbell's memo book entries (Board Review 08) on October 28, 2016, notes that he had a car stop with § 87(2)(b) at East 205th Street and Perry Avenue because it was parked next to a fire hydrant. He noted that § 87(2)(b) was "belligerent" and that he was filming.

As per Police Officer Ayala, he and Lieutenant Campbell stopped a car that was parked at a fire hydrant. Police Officer Ayala observed the car parked by a fire hydrant while he was mobile in the police vehicle. Police Officer Ayala did not remember how far from the fire hydrant the car was parked, but stated that it was enough to draw his attention. When they exited the vehicle, Police Officer Ayala approached the passenger's side of the parked car. Lieutenant Campbell approached on the driver's side of the vehicle. After approaching the car, Police Officer Ayala recognized the driver as § 87(2)(b) from a previous arrest. Police Officer Ayala could not see Lieutenant Campbell from where he was positioned, and he did not hear the conversation that was had between § 87(2)(b) and Lieutenant Campbell.

§ 87(2)(b) provided a thirty-five second video that he captured of part of the incident using his cell-phone, embedded above as 201702741-20170414_1413_DM.MOV (Board Review 01). The video confirms that § 87(2)(b) was sitting in a red car and that officers stopped him. It cannot be determined from the video, however, whether the car is parked at a fire hydrant. During his interview, Lieutenant Campbell was shown the video and he confirmed that he recognized his voice. Lieutenant Campbell also recognized Police Officer Ayala to be driving the unmarked police vehicle.

In § 87(2)(b)'s initial complaint he stated that the incident occurred at East 204th Street and Bainbridge Avenue in the Bronx. In a follow-up call to his in-person statement, § 87(2)(b) stated that the stop occurred outside of 286 East 205th Street in the Bronx. Lieutenant Campbell's memo book notes that the stop occurred at East 205th Street and Perry Avenue in the Bronx. Using Google Street view (Board Review 09) the investigation determined that there did not appear to be a fire hydrant directly outside of 286 East 205th Street. However, there was a fire hydrant on East 205th Street and Perry Avenue as well as § 87(2)(b).

Squad:

Investigator: _____
Signature Print Date

Squad Leader: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date